(30)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2434 of 2007

Petitioner		Sandeep Kumar Sahu aged about 23 years S/o Shri Jeevan Ram Sahu, R/o Krishna Nagar, Belgahana, Tahsil - Kota, Distt.- Bilaspur (C.G.)
	Versus	
Respondents	1.	Secretary, Regional Transport Authority Bilaspur (C.G.)
	2.	Sunil Kumar Kashyap Shri Tirath Ram Kashyap R/o-Gandhavar, Distt.-Bilaspur (C.G.)
	3.	State Transport Appellate Tribunal, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

Single Bench Hon'ble Mr. Justice **Satish K. Agnihotri**

Present: Mr. Ajay Shrivastava and Mr. Shivesh Singh, Advocates for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondent No. 1.
Mr. Santosh Gupta, Advocate for the respondent No. 2.

ORDER

(Passed on this 20th day of April, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner challenges the legality and validity of the impugned order dated 10.4.2007 (Annexure P/7), passed by the Presiding Officer/State Transport Appellate Tribunal, Raipur (for short "the STAT") in Revision No. 60/07.

2. The indisputable facts in nutshell are that the petitioner has obtained a regular permit on the route from Donasagar to Bilaspur via Podi, Ranigaon, Bharani, Gautouri and Sendari. The respondent No. 2 filed an application before the Regional Transport Authority, Bilaspur (for short "the RTA") for grant of temporary permit on the same route on the almost similar timing. The petitioner, who was already having a regular permit, filed an objection before the RTA, Bilaspur. Without considering the objection made by the petitioner, the RTA granted temporary permit in

(31)

favour of the respondent No. 2. This is evident from perusal of the order dated 30.3.2007 granting permit in favour of the respondent No. 2.

3. The STAT, Raipur vide order dated 10.4.2007 dismissed the revision filed by the petitioner on the ground that the objection has already been considered.

3. On perusal of the papers and order passed by the RTA, Bilaspur, it appears that the objection was not considered at all and permit was granted.

4. Mr. Santosh Gupta, learned counsel appearing for the respondent No. 2 fairly concedes that the objection was not considered and as such, the matter should be remitted back to the RTA, Bilaspur for considering afresh after considering the objection made by the petitioner.

5. In view of the foregoing, the order dated 10.4.2007 (P/7), passed by the STAT, Raipur is quashed and the matter is remitted back to the RTA, Bilaspur to consider an application filed by the respondent No. 2 and objection, if any, filed by the petitioner before granting permit on the same route.

6. The writ petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Bablu